

FILED

OCT 17 2006

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**U.S. DISTRICT COURT
CLARKSBURG, WV 26301**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**CRIMINAL NO. 1:06CR20-8
(Judge Keeley)**

DEWAYNE ANDERSON,

Defendant.

JUDGMENT ORDER

This case came on for trial before the Court and a jury on October 10, 11 and 12, 2006, the defendant, DEWAYNE ANDERSON, appearing in person and pro se as his own counsel, Scott Shough, acting as advisor to the defendant, and the United States of America appearing through Zelda Wesley, United States Attorney.

And the defendant having heretofore entered a plea of NOT GUILTY to COUNTS ONE and THIRTEEN of the thirteen-count indictment, the jury rendered its verdict on the 12th day of October, 2006, as follows:

VERDICT FORM

COUNT ONE

Count One of the Indictment charges that from in or about the Spring, 2005, and continuing until January 25, 2006, within the Northern District of West Virginia, and elsewhere, defendant, **DEWAYNE ANDERSON**, and others known and unknown to the Grand Jury, did knowingly and willfully combine, conspire, confederate, agree

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and have a tacit understanding with each other and with other persons known and unknown to the Grand Jury, to commit an offense against the United States to wit; to violate Title 21, United States Code, § 841(a)(1). It was the purpose and object of the conspiracy knowingly and intentionally to possess with intent to distribute and to distribute in excess of fifty grams of cocaine base, also known as "crack," a Schedule II narcotic drug controlled substance; in violation of Title 21, United States Code, §§846 and 841(b)(1)(A)(iii).

WE, THE JURY, on the issue joined, find that the defendant, **DEWAYNE ANDERSON** is

Guilty
Guilty or Not Guilty

of the charge of conspiracy knowingly and intentionally to possess with intent to distribute and to distribute in excess of fifty grams of cocaine base, also known as "crack."

If your finding as to the defendant is "Guilty", please answer the following Special Interrogatory.

SPECIAL INTERROGATORY AS TO COUNT ONE

Having determined that defendant **DEWAYNE ANDERSON** is "Guilty" of the charge alleged in Count One of the Indictment, the jury

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further finds beyond a reasonable doubt that the charge involved the following amount of drug weight:

(You shall only mark "YES" as to one of the three choices.)

FIRST: Fifty (50) grams or more of cocaine base or a mixture or substance which contains a detectable amount of cocaine base;

Yes

SECOND: Five (5) grams or more of cocaine base or a mixture or substance which contains a detectable amount of cocaine base;

THIRD: Less than five (5) grams of cocaine base or a mixture or substance which contains a detectable amount of cocaine base.

COUNT THIRTEEN

Count Thirteen of the Indictment charges that on or about December 13, 2005, in Marion County, within the Northern District of West Virginia, the defendants, **DWAN EDWARDS and DEWAYNE ANDERSON**, aided and abetted by another did unlawfully, knowingly, intentionally, and without authority distribute approximately 1.73 grams of cocaine hydrochloride, a Schedule II, narcotic drug controlled substance, to a person known to the Grand Jury, in exchange for \$150.00; in violation of Title 21, United States Code,

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SS841(a)(1), 841(b)(1)(C) and Title 18, United States Code, Section 2.

WE, THE JURY, on the issue joined, find that the defendant, **DEWAYNE ANDERSON** is

Guilty
Guilty or Not Guilty

of the charge of aiding and abetting in the distribution of cocaine hydrochloride, also known as "coke".

DATED: October 12, 2006

/s/ Foreperson
Foreperson

Thereupon, the Court ascertained that the verdict represented the unanimous opinion of the members of the jury and finding the verdict to be in due form, the verdict was accepted and the Clerk is hereby **ORDERED** to file said verdict and enter judgment accordingly.

Accordingly, the defendant is adjudged guilty as charged in Counts One and Thirteen of the thirteen-count indictment and the defendant stands convicted of one count of conspiracy and one count of aiding and abetting in the distribution of cocaine hydrochloride also known as "coke".

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Since the Court is not now advised as to the proper disposition of this case, it is **ORDERED** that the Probation Department of this Court conduct a presentence investigation of the defendant and report to the Court.

1. The Probation Office undertake a presentence investigation of **DEWAYNE ANDERSON** and prepare a presentence report for the Court;

2. The Government and the defendant are to provide their versions of the offense to the probation officer by **November 27, 2006**;

3. The presentence report be disclosed to the defendant, defense counsel, and the United States on or before **January 11, 2007**; however, the Probation Officer is directed not to disclose the sentencing recommendations made pursuant to Fed. R. Crim. P. 32(b)(6)(A);

4. Counsel file written objections to the presentence report on or before **January 25, 2007**;

5. The Office of Probation submit to the Court the presentence report with addendum on or before **February 8, 2007**;

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6. Counsel file any written sentencing statements and motions for departure from the Sentencing Guidelines, including the factual basis therefor, on or before **February 22, 2007**

7. Sentencing is set for **Monday, March 5, 2006 at 11:00 a.m.**

The defendant shall have until **November 10, 2006** to file post-trial motions.

The Clerk is directed to transmit copies of the order to counsel of record and all appropriate agencies.

DATED: October 17, 2006



IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE